

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Sixty-Ninth Legislature.

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HOUSE.

No. 285.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT  
HUNDRED AND NINETY-NINE.

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AN ACT to amend the Charter of the Westbrook, Windham  
and Harrison Railway Company, to extend the same and to  
change the Name of said Company.

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*Be it enacted by the Senate and House of Representatives in  
Legislature assembled, as follows:*

Section 1. The creation and organization of Westbrook,  
2 Windham and Harrison Railway Company is hereby ratified,  
3 confirmed and declared to be legal and valid and all the pro-  
4 visions of chapter five hundred and nine of the Private and  
5 Special Laws of eighteen hundred and ninety-seven relative  
6 to the incorporation of Westbrook, Windham and Harrison  
7 Railway Company, and all the rights, powers and privileges  
8 thereby granted and the limitations therein contained, except  
9 as hereinafter provided, are hereby revived, renewed, ex-  
10 tended and continued in force; and said corporation, its suc-

cessors and assigns, shall have and enjoy all the rights, powers and privileges that were granted by said act to be exercised in the same manner and for the same purposes as provided in said act as amended by this act.

Sect. 2. The name of said Westbrook, Windham and Har-  
rison Railway Company is hereby changed to Westbrook,  
Windham and Naples Railway Company.

Sect. 3. Section one of said chapter five hundred and nine  
is hereby amended so as to read as follows:

Section 1. John C. Scates, Russell D. Woodman, Charles  
M. Waterhouse, Charles B. Woodman and James H. Tolman,  
of Westbrook, in the county of Cumberland, their associates,  
successors and assigns, are hereby constituted a corporation  
by the name of Westbrook, Windham and Naples Railway  
Company with authority to construct, maintain, use and  
operate by compressed air, electricity or animal power, a  
street railway with convenient single or double tracks, side  
tracks, switches or turnouts, with any and all necessary or  
convenient lines of poles, wires, appliances, appurtenances,  
pipes and conduits, and compressor, electric and other plants  
for motive power, beginning on Main street opposite Bridge  
street in said city of Westbrook, and thence over the main  
road leading through said city of Westbrook, by the house of  
Mark Mosher in Gorham to the village of South Windham,  
and thence through said town of Windham, the towns of  
Raymond, Casco, Otisfield, and Naples, to some convenient  
point in said town of Naples, upon and over such streets,  
towns roads and highways in said city and said towns as  
may be fixed and determined by the municipal officers of  
said city and of the several towns aforesaid respectively and  
assented to in writing by said corporation. Provided, that  
said line of street railway shall not anywhere go nearer to  
the village of Gorham than the corner known as Mosher's

27 and that the cars of no other street railroad company, whether  
28 organized or to be organized under the general law or any  
29 special charter shall ever be allowed to run over the tracks  
30 of this company between its terminal in the city of West-  
31 brook and Mosher's Corner aforesaid; and it is hereby  
32 expressly provided that the location of the railway of this  
33 company in the main road from Westbrook to Mosher's  
34 Corner shall constitute no bar to the location of the tracks  
35 of any other company which may derive and obtain the right  
36 to locate another street railway in the same main road be-  
37 tween Westbrook and Mosher's Corner.

The written assent of said corporation to any vote of said  
39 city and of said towns or of the municipal officers thereof,  
40 prescribing from time to time, the routes of such railway  
41 and the conditions and restrictions applicable to the main-  
42 tenance and operation of the same shall be filed with the  
43 clerk of said city and the clerks of said towns respectively  
44 and shall be taken and deemed to be the location thereof.  
45 Said railway corporation shall have the power from time to  
46 time to fix such rates of compensation for transporting per-  
47 sons or property as it may think expedient, and generally  
48 shall have all the powers and be subject to all the liabilities  
49 of corporations, as set forth in the forty-sixth chapter of the  
50 Revised Statutes.'

Sect. 4. Section four of said chapter five hundred and nine  
2 is hereby amended so as to read as follows:

'Sect. 4. Said corporation outside of the limits of streets,  
4 roads or ways may purchase and hold land and all materials  
5 upon it for the location, construction and convenient use of  
6 its road and, whenever for any reason the location of such  
7 railway within the limits of any streets, roads or ways shall  
8 be found by the board of railroad commissioners to be  
9 impracticable or inconvenient, land and the materials on it  
10 outside the limits of streets, roads and ways may be taken

11 and held for the location of said railway, as for public uses,  
12 but the land so taken shall not be more than four rods in  
13 width, unless necessary for excavations, embankments or  
14 materials and the location of said railway upon land taken  
15 by virtue of this section shall be filed and the estimation and  
16 payment of damages for land so taken shall be made in  
17 accordance with the provisions of chapter fifty-one of the  
18 Revised Statutes.'

Sect. 5. Section twelve of said chapter five hundred and  
2 nine is hereby amended by striking out the last sentence  
3 thereof, so that said section twelve, as amended, shall read  
4 as follows:

'Sect. 12. Said railway shall be constructed and maintained  
6 in such form and manner and with such rails and other appli-  
7 ances as may be deemed necessary by the corporation and  
8 may be approved by the municipal officers of said city and  
9 said towns respectively, and upon such grades as the munici-  
10 pal officers of said city or towns respectively may direct;  
11 and whenever in the judgment of said corporation it shall  
12 be deemed necessary to alter the grade of any street, town  
13 road or highway, said alteration may be made at the expense  
14 of said corporation, provided, the same shall be assented to  
15 in writing by the municipal officers of said city or of said  
16 towns respectively.'

Sect. 6. Section eighteen of said chapter five hundred and  
2 nine is hereby repealed.

Sect. 7. This act shall take effect when approved.

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## STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, March 8, 1899.

Reported by Mr. BIRD of Rockland, from Committee on Rail-  
roads, Telegraphs and Expresses, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*